App. F. IX-4

1914.

1914 Ft Leg

File No. for 1914

Previous References

Serial Nos. 1—5

L.R. 182-185

General and Revenue Secretariat

A Collection

Serial Nos. Five

Manuscript **Part B** for December 1916

SUBJECT

Amendment of Section 54 of the Mysore Land Revenue Code 1888.

1914

Previous Reference

File No 60-1914

L R 182-13.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

For December, 1916.

Judicial and Legislative (Legislation).

"A" Collection. Serial Nos 1-5.

Amendment of Section 54 of the Mysore Land Revenue Code, 1888.

Table of contents

Serial No	Number and date of letter ana contents	Page in A Proceeding
1.	To the Hon'ble the Resident in Mysore. No 3199 dated 14-8-15. Forwards a Bill with statement of objects and reasons for amending section 54 of the Land Revenue Code, 1888.	
2.	From the First Assistant to the Resident. No 6078 dated 26-8-15. Informs that there is no prima facie objection to the Bill being laid before the Legis.Council	
3.	To the First Assistant to the Resident. No Pol 1144 dated 12-5-16. Forwards for sanction of Govt. of India two copies of the Bill as adopted by the Legis.Council.	
4.	From the First Assistant to the Resident. No 4437 dated 23-6-16. Informs that the Governor General in Council has accorded his consent to the Bill.	
5.	To the Compiler, Mysore Gazette. No J 2160 dated 16-12-16. Orders the publication of the Regulation further to amend the Mysore Land Revenue Code, 1888, as Regulation No VIII of 1916.	

T V R.

(2)

R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

L.R. 182-13

File No.

FILE HEADING.

Amendment of section 54 of the Mysore Land Revenue code, 1888

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—35,000--15-6-12

G. R. S. 12] Ghir 897-11

5

General and Revenue Secretariat. | Legis File No. 60 of 1914-15

Serial No.

1) Subv. with a draft Bill on the ~~of~~ sec: 5:6 of the Bombay code. A draft statement of Objects and reasons ~~drawn up on the lines of the~~ taken from the submission note to H.H is also put up.

S.V.S.

2) Please put up copies of the Land Revenue code (latest edition)

Krishnaswami 6/7/15

3) ~~Copy of~~ the latest available copy of ×Sattes Land Revenue code (1909 Edn is put up

S.V.S.

4) The draft Section is exactly the same as in the Bombay code and the statement of Objects & Reasons is based on the submission note to His Highness Both the drafts may be approved

Krishnaswami 10/7 Ziyer

~~Draft Memo.~~ 12

5) I noted that the Bombay provn must be modified so as to prevent defaulters from gaining by his own wrong in cases apparen

× Detached & returned to Part I

NOTE—Contn. sheet.

GPB—10,000—13-6-14

General and Revenue Secretariat.

Leg File No. 60 of 1914

Serial No.

No. It all been noticed. When the Council Resn was passed or the Case was submitted & His Highness This is a most vital matter & shd be considered.

") I have corrected the draft amendment (in pencil) & sent my views

3/8/15

") Further action may now be taken & the suggested by the Hon. member to place the bill before the Legislative Council.

10.8.15

Subd. with a draft S.O. to the Hon'ble

S.V.P.
11/8/15

9) For favour of sign

10) The draft is approved and two copies thereof on the decision is placed in file for favour of issue

[G. R. S. 12]

General and Revenue Secretariat.

Legn File No. 90 of 1914-15

Serial No.	
	12) Subd with typed copy of the Bill and Statement of Objects and reasons for being signed as the same has to be sent to the Residency. The D.O. has been signed by the Dewan and is in the file S.V.S. 18/8/15 M.N. 13) Issue Exmineesa Iyer 18/8/15
1	No D.O. 3199 dt 14/8/15 To the Honble the Resident in Mysore Forward a Bill with Statement of Objects and reasons for amending sec: 57 of the Land Revenue code, 1888.
2	D.O. No 6078 dated 26th Aug. 1915 From the Hon'ble the Resident in Mysore Informs that there is no prima facie objection to the Bill being laid before the Legislative Cou
	14) Subd. Has now to be included in the Agenda for the next meeting of the Mysore Legislative Council. It has to be settled who is to be in charge of the Bill. The Bill seeks to amend the Land Revenue code which is now in its last stages before the Legis. council had been taken charge of by the late member S.V.S. 8/9

NOTE—Contn. sheet.

GPB—25,000—2-11-14

G.R. S. 12]

Revenue Secretariat. | Legs. File No. 60 of 1914-15

Serial No.

15) Submitted for favour of instructions by Secretariat Register 8/9

~~Hon. Member~~

16) I shall have no objn to take up the bill but the Dewan may decide

Ramanujayya

10/9/15

~~Dewan~~

Dewan Gopalrao 11/9

17) Hon. Finl. member may kindly take charge of the bill.

23.9.15. R. Srinivasaraghava

Dewan 23/9

1380
11.9.15

18) Submitted for information

Secretary 23/9

~~Asst. Member~~

All right.

Ramanujayya

23/9

Dewan 24/9

Secretary 25/9

NOTE—Contn. sheet.

GPB—25,000—2-11 14

G. R. S. 12]

General and Revenue Secretariat. | Legs. File No. 60 of 1914-15

Serial No.	
	20) Subn leave to introduce the Bill was granted by the Legis. Council on the 2/1/15 and was read and referred to a Select Committee on the 28/1/16. The report of the Select Committee was considered by the Council on 28/4/16 and the Bill as amended by them was adopted. The Sanction of the Govt of India is required to pass the Bill & draft to the Residency is put up
	S.V.S 11/5/16
	21) Done Sriniwasa Iyengar 4/5
3	To the G.A. President No Pol 1144 12th Inst forwards for sanction of Govt of India two copies of the bill to amend the Mysore Land Revenue Code 1888 as adopted by the Legis. Council
4	No 4437 dated 23rd June 1916 from the F.A. Resident- Informs that the G.G. in Council has accorded his consent to the Bill ~~and~~ subject to the usual reservation & power under Act. 18 of

NOTE—Contn. sheet.

G. R. S. 121

General and Revenue Secretariat. | Legis File No. 60 of 1914.

Serial No.

the Treaty of 1913.

22) Submd. This Bill will be included in the agenda for the next meeting of the Legis Cl. to be held in Sept: Octr: or Novr: 16.

S.V.S. 14/7/16

23) Submitted.

Legis 14/7

24) Submitted. the Bill was taken up and finally passed by the Legis. Council on the 5th Dec 1916 ~~His~~ His Highness' sanction for promulgating the Bill as law is solicited. Draft final note and submn note with a copy of the Bill as finally passed put up

S.V.S. 28) In favour of approval.

8/12/16

Legis 8/12

280 8.12.16. Portrait of Maharaja arranged. 9.12

~~Second Reminder~~ AR Banerji 9.12

Please collect printed report

Submd. The other copies of the Proceedings of the Legis. Council except that of the 5th Dec 1916 the file in Dec: may proceed, & may send to the Press today

Legis L, M, & W

9/12/16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat.

Legn. File No. 60 of 191 4.

Serial No.	
	D.S.N. submitted for favour of Dewans approval.
	Sd/ 9.12
	Secy
3382 11.12.16	Dewan
	Dwarka 11/11

Final Note by the Second Member of Council.

Subject:—

Bill further to amend the Mysore Land Revenue Code, 1888

The Bill further to amend the Land Revenue Code, 1888, has passed through the Legislative Council in due course. Its scope and purpose are fully explained in the statement of objects and reasons and in the final draft as passed. The gracious sanction of His Highness is required to promulgate it as law. A collection of papers showing the discussions in the Council during the several stages is submitted for reference.

Second Member of Council.

5.12.06.

Submitted to His Highness.

vj) *I submit herewith a Final Note by the* Second *Member of Council on the subject of* passing the Bill further to amend the Mysore Land Revenue Code, 1888,

..... — .....

for His Highness' gracious approval.

M. V. Krishnaraj

Dewan.

12th Dec 1916.

Record of Cases submitted for the Order of His Highness the Maharaja.

Subject.

Bill further to amend the - Mysore Land Revenue Code, 1888.

28/ ***Order.***

~~K R W~~

14/12/16

Sd Beg
Ver
15/12

29) Dept-above
S. Srinivasa Iyer
15/12

G. R. S. 12].

General and Revenue Secretariat. | Ley | File No. 60 | of 1916.

Serial No.	
30)	Subd. with a draft order S.V.S 15/12/16
	31) Issue ~~state~~ by Srinivasa Iyer 15/12
	~~Subd.~~ Subd.
5	To The Co Jeypore Gazette no J 2160 16th. Dec. 16 Orders the publication of the Regulation further to amend the Jeypore Land Revenue Code 1888.

G.R.S. 26]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Legn

File No. 60-14

Serial No. 1

General and Revenue Secretariat

, the 191

To The Hon'ble the Resident in Mysore

Do No. 3199 dt 14.8.15

Date of issue 18.8.15

Signed by Deccan.

To ~~The~~ My dear Sir

I enclose herewith copy of a Bill (with a copy of the statement of objects and reasons) further to amend the Mysore Land Revenue Code, 1888. The statement of objects and reasons fully explains the necessity for the amendment.

The Bill will be plac

14

before the Legislative
Council in due course

Yours sincerely

E. W. C. Dewar 14.8.15
A.C.

To

The Hon'ble Col. Sir
Hugh Daly K.C.I.E., C.S.I.,
Resident in Mysore

11/8/15 - Ack.

List of enclosures.

One.

Copied by

Examined by

GPB—20,000—14-2-14

A Bill further to amend the Mysore Land Revenue Code, 1888

Whereas it is expedient further to amend the Mysore Land Revenue Code 1888 His Highness the Maharaja is pleased to enact as follow

Substitution of a new section for section 54 of the Regulation

For section 54 of the Regulation the following new section shall be substituted viz:-

"54. Arrears of land-revenue due on account of land by any land-holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture whereupon the the Deputy Comm.r may levy all sums

Land revenue a paramount charge on the land

Statement of Objects and Reasons 17

The paramountcy of Land Revenue as a charge on the holding has been enunciated in section 54 of the Mysore Land Revenue Code, 1888, which is an almost exact reproduction of section 56 of the Bombay code as it stood before it was amended in 1901

2. In Balaji Rao alias Balakrishna Rao v Sitaramaiya (18 Ill.C.C.R. 76) the Mysore chief court held that a forfeiture under section 54, while no doubt operating as a resumption of the holding as between the defaulter and Government, does not, unless followed by a sale, extinguish the rights and equities subsisting as between private persons

3 In the light of this interpretation by the highest tribunal in the State, ~~the existing Revenue Laws on this point may be thus summed~~

~~(1) Forfeiture by itself causes~~ under section 54 as it now stands it would

be open to claimants 14
prior rights and equities
not only to enter on resumed
lands, but also to dispute
the titles of subsequent
occupants. It is therefore necessary
both in the interest of
the public revenue and to
afford protection to subsequent
interests in land, to amend
section 54.

4 In Bombay
this was effected by providing
that the disposal of the
forfeited occupancy, whether
by sale or otherwise, should
unless the collector other-
wise directed be deemed
free from all previous
rights and equities except
those arising in
favour of Government
The collector is, under
this provision vested with
a salutary discretion
which can be
exercised to prevent fraud.
It is therefore
considered desirable to
amend section 54 of
the Mysore Land Revenue,

on the lines of ~~the~~ section
56 of the Bombay Land
Revenue code

16/7

NOTIFICATION

No. 146—L. C., dated 27th October 1919.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council the following Bill further to amend the Mysore Land Revenue Code 1888, is published for general information together with a statement of objects and reasons

By Order,

G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Land Revenue Code 1888.

WHEREAS it is expedient further to amend the Mysore Land Revenue Code 1888; His Highness the Maharaja is pleased to enact as follows:—

Substitution of a new section for section 54 of the Regulation.

For section 54 of the Regulation the following new section shall be substituted, *viz.*:—

Land Revenue a paramount charge on land.

"54. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created in favour of any person other than Government in respect of such occupancy or holding."

Statement of Objects and Reasons.

The paramountcy of Land Revenue as a charge on the holding has been enunciated in section 54 of the Mysore Land Revenue Code, 1888, which is an almost exact reproduction of section 56 of the Bombay Code, as it stood before it was amended in 1901.

2. In Balaji Rao *alias* Balakrishna Rao *vs.* Sitaramaiya (18. M. C. C. R. 76) the Mysore Chief Court held that a forfeiture under section 54, while no doubt operating as a resumption of the holding as between the defaulter and Government, does not, unless followed by a sale, extinguish the rights and equities subsisting as between private persons.

3. In the light of this interpretation by the highest tribunal in the State, under section 54 as it now stands, it would be open to claimants to prior rights and equities not only to enter on resumed lands, but also to dispute the title of subsequent occupants. It is therefore necessary both in the interest of the public revenue and to afford protection to subsequent interests in land, to amend section 54.

4. In Bombay, this was effected by providing that the disposal of the forfeited occupancy whether by sale or otherwise should unless the Collector otherwise directed, be deemed free from all previous rights and equities, except those arising in favour of Government. The Collector is, under this provision vested with a salutary discretion which can be exercised to prevent fraud.

5. It is therefore considered desirable to amend section 54 of the Mysore Land Revenue Code, 1888, on the lines of section 56 of the Bombay Land Revenue Code.

D. No. 2847

THE MYSORE RESIDENCY,

Bangalore, 24 August 1915.

From

The Resident

To

Sir M. Visvesvaraya, K.C.I.E.

Dewan of Mysore

My dear Dewan Sahib,

I am desired to acknowledge the receipt of your D.O. letter No. 3199, dated the 14/15th August 1915, forwarding a Bill further to amend the Mysore Land Revenue Code, 1888, and to say that the Resident sees no prima facie objection to the Bill being laid before the Legislative Council

G.R.S. 26]

SUBJECT.....

*Diary No. of letter replied to*_____

Section Legis
File No. 60-14
Serial No. 3

General and Revenue Secretariat

the 191

No. Real 1144 Dt 12-5-16
Enclosure letter

Date of issue 12 5 16.

Signed by allen D clk Narasinga Rao.

To The F. A Re ut
in Mysore, Bangalore

Sir

I am directed to forward herewith two copies of the Bill to amend the Mysore Land Revenue Code, 1888, as adopted by the Legislative Council together with copies of the Bill as introduced into the Council

over.

and of the Select Committee thereon, and to state that the statement of Objects and reasons accompanying the Bill explains clearly the object and scope of the Bill.

2. I am to request that the sanction of the Govt of India may kindly be obtained for framing the Bill into law

I have &c.

Sd/ 11/5-

For Secretary to Govt

G. D.

5/12

List of enclosures.

Two sets of bills &c

NM

Copied by

Examined by

GPB—20,000—11-2-11

NOTIFICATION.

No. 306—L. C., dated the 17th March 1916.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information together with the Bill as amended by the Committee.

By Order,
G. SREENIVASA IYER,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore Land Revenue Code, 1888.

We, the members of the Select Committee appointed to consider the Bill further to amend the Mysore Land Revenue Code, 1888, have the honor to submit the following report to the Council, with the Bill as amended by us.

We have examined the Bill carefully and have retained the following words now occurring in Section 54, *viz.*, " by the occupant or holder or any of his predecessors in title or in any wise subsisting against such occupant or holder " for the words " in favour of any person other than Government in respect of such occupancy or holding " occurring in the Bill. The words substituted are wider than the terms of the present section and it was considered unnecessary to make any alteration on this point.

The Bill as amended by us may be passed.

The Bill may also be republished in the Gazette.

H. V. NANJUNDAYYA,
M. KANTARAJ URS,
K. S. DORASWAMI IYER,
K. P. PUTTANNA CHETTY,
B. NARASINGA RAO.

(NOTE.—Mr. K. R. Srinivasiengar, also a member of the Select Committee, was absent.)

A Bill further to amend the Mysore Land Revenue Code, 1888.

(As amended by the Select Committee.)

[The portion in square brackets is that omitted by the Select Committee and that in italics newly added by them.]

WHEREAS it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows :—

Substitution of a new section for section 54 of the Regulation.

For section 54 of the Regulation the following new section shall be substituted, *viz* :—

Land Revenue a paramount charge on land.

" 54. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created [in favour of any person other than Government in respect of such occupancy or holding] *by the occupant or holder or any of his predecessors in title or in anywise subsisting as against such occupant or holder.*"

No. 4434

FROM

MAJOR T. H. ST. GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

DIARY No. J 821

To

The Dewan of Mysore.

Dated Bangalore, 23rd June 1916.

SIR,

I am directed to acknowledge the receipt of Mr. Narasinga Rao's letter No. Pol. 1144, dated the 12th May 1916, forwarding for the approval of the Government of India a Bill to amend further the Mysore Land Revenue Code 1888 (IV of 1888).

In reply, I am to say that the Governor General in Council has been pleased to accord his consent to the Bill on the understanding that he reatins over it the power and authority which vest in him by virtue of Article 18 of the Treaty dated the 26th November 1913.

I have the honour to be,

Sir,

Your most obedient servant

T. H. St. G. Tucker

First Assistant Resident.

R. O. 2.—R. P. B.—4-1916.—1,000

G.R.S. 28]

26

Legis File No 60-14
Serial No. 5

*Diary No. of letter replied to*_____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

(

the 191

~~READ~~

Date of issue 16th Dec 1916

Signed by Sir. Q. Seshaiya Esq

Secy

ORDER THEREON.—No. J 2160 and ...

Ordered that the 16+2 accompanying Regulation (A Regulation further to amend the Mysore Land Revenue Code, 1888), which

over.

SUBJECT.

received the assent
of His Highness the Maharaja
on the 14th Dec. 1916 be
published for general
information in the
Mysore Gazette as Regn.
No. VIII of 1916

For Secretary to G.
G.D

To

The Compiler Mysore
Gazette for publication
in Part-III of the Gazette in
English and in Kannada
and for supplying ~~to this~~
~~office~~ 100 Nos. each in
English and 25 in Kannada
to this office and 200 in
English and 50 in Kannada
to the Curator Central Book

REGULATION No. VIII OF 1916.

A Regulation further to amend the Mysore La venue Code, 1888.

(Received the assent of His Highness the Maharaja on the 14th day of December 1916.)

WHEREAS it is expedient further to amend the Mysore Land Revenue Code, 1888; His Highness the Maharaja is pleased to enact as follows :—

Substitution of a new section for section 54 of the Regulation.

For Section 54 of the Regulation, the following new section shall be substituted, *viz* :—

"54. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land, or permanently fastened to anything attached to the land, liable to forfeiture, whereupon the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, or may otherwise dispose of such occupancy or alienated holding under rules or orders made in this behalf under section 233, and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by transfer to another person or otherwise howsoever, except by restoration to the defaulter, shall, unless the Deputy Commissioner otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created by the occupant or holder or any of his predecessors in title or in anywise ubsisting as against such occupant or holder."

Land Revenue a paramount charge on land.

VISVESVARAYA,
Dewan.